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02/08/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:  
Albert Charles McNamara

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§  
§  
§  
§  
§  
§

Attorney Docket No. P-109009(Reissue)

Patent No. 5,901,641

Group Art Unit: \_\_\_\_\_

Issued: May 11, 1999

Examiner: \_\_\_\_\_

Title: Baffle for Deep Fryer Heat Exchanger §

§

BOX REISSUE

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

REISSUE APPLICATION TRANSMITTAL

Transmitted herewith is the application for reissue of U.S.

☒ Utility Patent ☐ Plant Patent ☐ Design Patent  
No. 5,901,641, issued on May 11, 1999

Inventor(s): Albert Charles McNamara

Title: Baffle For Deep Fryer Heat Exchanger

Enclosed are the following:

1. Specification, claim(s) and drawing(s) (37 C.F.R. § 1.173)

(a) ☒ 3 page(s) of specification  
☒ 2 page(s) of claims  
☒ 1 page(s) of abstract

(b) ☒ 6 sheet(s) of drawing (drawings amended)  
☐ Formal  
☒ Informal

☐ No changes in the drawings, upon which the original patent was issued, are to be made. Therefore in accordance with 37 C.F.R. § 1.174(a), please find attached, in the size required for original drawings:  
☐ A copy of the printed drawings of the patent.  
☐ A photoprint of the original drawings.  
☐ A letter requesting transfer of the drawings from the original patent file to this reissue application attached.

2. Declaration and power of attorney

☒ 4 pages of declaration and power of attorney

3. Preliminary amendment

*(check, if applicable)*

☒ Attached.

☒ The claims are amended and there is attached a separate statement as to the status of the claims and an explanation of the support in the specification for the changes in accordance with 37 C.F.R. § 1.173(c).

4. Offer to surrender the original letters patent in accordance with 37 C.F.R. § 1.178 is attached.

☒ Offer to surrender is by the inventor,

☒ along with assent of assignee.

☐ Offer to surrender is by the assignee of the entire interest (an the reissue application does not seek to enlarge the claims of the original patent).

5. Letters patent

☐ Original letters patent are attached.

☐ Declaration that original letters patent lost or inaccessible is attached.

☒ A copy of the original printed patent is attached.

6. Petition to proceed without assignee's assent

☐ Attached hereto is a "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE'S ASSENT".

A. ☐ The fee payment is authorized in the attached:

☐ "REISSUE APPLICATION TRANSMITTAL" Form

☐ "COMPLETION OF FILING REQUIREMENTS ---  
REISSUE APPLICATION" Form

B. ☐ Payment is authorized below.

7. Information Disclosure Statement.

☒ Attached.

☒ Copies of the IDS citation(s) is/are attached.

8. Priority -35 U.S.C. § 119

☐ Priority of application, Application No. 0 / \_\_\_\_\_, filed on \_\_\_\_\_, in \_\_\_\_\_ (Country) is claimed under 35 U.S.C. § 119.

☐ The certified copy has been filed in prior application, Application No. 0 / \_\_\_\_\_, filed on \_\_\_\_\_.

9. Declaration of Albert Charles McNamara under 37 C.F.R. § 1.132.

☒ Attached.

10. Basic Filing Fee Calculation (37 C.F.R. § 1.16(h), (i) and (j))

| CLAIMS AS FILED                             |  |           |  |  |            |
|---|--|-----------|--|--|------------|
| Number filed                                | Number Extra   | Rate      | Basic Fee<br>(37 C.F.R. 1.16(h))<br>\$740.00 |  |            |
| Total Claims<br>(37 C.F.R. § 1.16(j))       | 39 - 25 (and also in excess of<br>total claims in patent) 14 | X \$18.00 | \$252.00                                     |  |            |
| Independent Claims<br>(37 C.F.R. § 1.16(j)) | 7 - 3 (number of independent<br>claims in patent) 4          | X \$84.00 | \$336.00                                     |  |            |
| Filing Fee Calculation                      |  |           |  |  | \$1,328.00 |

NOTE: Multiple dependent claims are treated as ordinary claims for fee purposes. 37 C.F.R. § 1.16(j).

11. Small Entity Status (if applicable)

- ☐ An assertion that this filing is by a small entity is attached.  
☒ Assertion of small entity status is being made by paying the small entity basic filing fee.

Filing Fee Calculation (50% of above) \$ 664.00

12. Additional Fee Payments

- ☐ Payment is being made for "PETITION TO PROCEED  
WITH REISSUE APPLICATION WITHOUT ASSIGNEE"  
(37 C.F.R. § 1.17(h)). . . . . \$130.00

13. Total Fees Due

|                       |                  |
|-----------------------|------------------|
| Filing Fee            | \$ <u>664.00</u> |
| Petition Fee          | \$ <u>-</u>      |
| <b>Total Fees Due</b> | \$ <u>664.00</u> |

14. Fee Payment

[ X ] A check in the amount of \$664.00 to cover the filing fee is enclosed. Any deficiency in fees should be charged to Account #07-2400. A duplicate of this transmittal is attached.

Respectfully submitted,

Jackson Walker L.L.P.  
112 E. Pecan Street, Suite 2100  
San Antonio, TX 78205  
Phone: (210) 978-7700  
Fax: (210) 978-7790

By

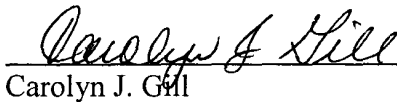


Mark H. Miller  
Regis. No. 29,197

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL6626422-44US, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: February 8, 2002



Carolyn J. Gill

10072001-020802

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL662647244US addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: February 8, 2008

Carolyn J. Gill  
Carolyn J. Gill

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: § Attorney Docket No. P-109009(Reissue)  
Albert Charles McNamara §  
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Patent No. 5,901,641 § Group Art Unit: \_\_\_\_\_  
§  
Issued: May 11, 1999 § Examiner: \_\_\_\_\_  
§  
Title: Baffle for Deep Fryer Heat Exchanger §  
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BOX REISSUE  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**ASSIGNEE OWNERSHIP/CONSENT FORM**


To the Assistant Commissioner of Patents:

**Proof of Assignee Ownership under 37 CFR 3.73**

Albert Charles McNamara, inventor of U.S. Patent No. 5,901,641, assigned ownership rights to AFC Enterprises, Inc. on October 29, 1998, said assignment recorded on Reel 9611, Frame 0925. On June 1, 2000, AFC Enterprises assigned its ownership rights to U.S. Patent No. 5,901,641 to Ultrafryer Systems, Inc., said assignment recorded on Reel 2108, Frame 0053.

**Consent of Assignee for Reissue Application under 37 CFR 1.172**

Ultrafryer Systems, Inc., assignee of U.S. Patent No. 5,901,641 hereby consents to the filing of the present reissue application for U.S. Patent No. 5,901,641 and to the offer to surrender of U.S. Patent No. 5,901,641.

  
\_\_\_\_\_  
Edward T. Odmark, President  
Ultrafryer Systems, Inc.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: § Attorney Docket No. P-109009(Reissue)  
Albert Charles McNamara §  
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Title: Baffle for Deep Fryer Heat Exchanger §  
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BOX REISSUE

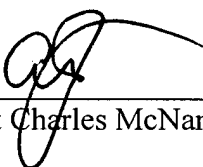
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER**

To the Assistant Commissioner of Patents:

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent entitled "Baffle for Deep Fryer Heat Exchanger", U.S. Patent No. 5,901,641 granted to him on May 11, 1999 hereby states that he is the original inventor and that he offers to surrender the patent.


28 JAN 02  
Date

  
Albert Charles McNamara

The undersigned assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying application and the offer to surrender above. A statement entitled "Assignee Ownership/Consent Form" is attached.

Respectfully submitted,

Jackson Walker L.L.P.  
112 E. Pecan Street, Suite 2100  
San Antonio, TX 78205  
Phone: (210) 978-7700  
Fax: (210) 978-7790

By   
Mark H. Miller  
Regis. No. 29,197

10072001-020802

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL66264224US addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: February 8, 2002

Carolyn J. Gill  
Carolyn J. Gill

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Date: *February 8, 2002*

*Carolyn J. Gill*  
Carolyn J. Gill

3062833v1

10072001-020802

Respectfully submitted,

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San Antonio, TX 78205  
Phone: (210) 978-7700  
Fax: (210) 978-7790

By



Mark H. Miller  
Regis. No. 29,197

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL 6626 42244US addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: February 8, 2002



Carolyn J. Gill

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL662642244US addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: February 8, 2002

Carolyn J. Gill  
Carolyn J. Gill

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